

FILED

AUG 16 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE**E-FILING**B-
#99
JPP
NP

Your Name: Aura Wright

Address: 1 Garrison Dr. #1 Campbell, CA 95008

Phone Number: (310) 403-5953

Fax Number:

E-mail Address: astrologychick@gmail.com

Pro Se Plaintiff

ADN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Aura Wright

1 Garrison Dr. #1 Campbell, CA 95008

Plaintiff,

vs.

BMW of Mountain View

150 E. El Camino Real

Mountain View, CA 94040

Defendant.

CV 17 4772

Case Number [leave blank]

NC

COMPLAINT

DEMAND FOR JURY TRIAL

Yes ☒ No ☐**PARTIES**

1. Plaintiff. [Write your name, address, and phone number. Add a page for additional plaintiffs.]

Name: Aura Wright

Address: 1 Garrison Dr. #1 Campbell, CA 95008

Telephone: (310) 403-5953

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2. Defendants. [Write each defendant's full name, address, and phone number.]

Defendant 1:

Name: _____

Address: _____

Telephone: _____

Defendant 2:

Name: BMW of Mountain View

Address: 150 E EL CAMINO REAL, MOUNTAIN VIEW, CA 94040

Telephone: (650) 200-0149

Defendant 3:

Name: _____

Address: _____

Telephone: _____

JURISDICTION

[Usually only two types of cases can be filed in federal court, cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.]

3. My case belongs in federal court

under federal question jurisdiction because it involves a federal law or right.[Which federal law or right is involved?] Violation of the FCRA, CRA, CA CRA
and the _____.under diversity jurisdiction because none of the plaintiffs live in the same state as any of the
defendants and the amount of damages is more than \$75,000.

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VENUE

[The counties in this District are: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, or Sonoma. If one of the venue options below applies to your case, this District Court is the correct place to file your lawsuit. Check the box for each venue option that applies.]

4. Venue is appropriate in this Court because:

- ☒ a substantial part of the events I am suing about happened in this district.
- ☐ a substantial part of the property I am suing about is located in this district.
- ☐ I am suing the U.S. government, federal agency, or federal official in his or her official capacity and I live in this district.
- ☐ at least one defendant is located in this District and any other defendants are located in California.

INTRADISTRICT ASSIGNMENT

[This District has three divisions: (1) San Francisco/Oakland (2) San Jose; and (3) Eureka. First write in the county in which the events you are suing about happened, and then match it to the correct division. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge.]

5. Because this lawsuit arose in Santa Clara County, it should be assigned to the Santa Clara Division of this Court.

STATEMENT OF FACTS

[Write a short and simple description of the facts of your case. Include basic details such as where the events happened, when things happened and who was involved. Put each fact into a separate, numbered paragraph, starting with paragraph number 6. Use more pages as needed.]

1 I Aura Wright applied for auto credit at BMW of Mountain View in Dec of 2015

At this time BMW of Mountain View violated the FCRA, CRA, CA CRA

with multiple hard copy credit inquiries with multiple credit agencies.

This has lowered my credit score and cost extra rent and lost me a job. I have overpaid on rent in the amount of \$400 per month since Jan. 2017

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2 2 Violation of FCRA 15 U.S.C. §§ 1681-1681

Each violation of the FCRA carries a \$1,000 penalty and each violation of the CRA and CA CRA carry \$1,500 penalty. Hard Credit inquiries exist on Experian, Equifax and Transunion. There are likely others that I am not aware of.

3 3 I am asking for the total for max penalties for multiple credit violations. I am also asking for compensation for the months that I have had to pay excess rent due to being turned down for a 2 Bdrm apt for \$1250. Due to the negative marks on my credit score I have had to pay for a 1 bedroom at the rate of \$1650. This is a difference of \$400 per month since Jan 2017.

4 4 BMW OF MOUNTAIN VIEW on 12/14/2015 shows credit inquiry address ID # 0475552755 on Experian, Equifax and Transunion. This inquiry shows on at least one other Credit Reporting Agency that I do not have accesss to as a consumer. This caused a loss of job and loss of approval for an apartment.

5 5 Pursuant to Cal Civ. Code § 1780 I am asking for punitive damages at the discretion of the Courts. These credit laws are plainly evident to all businesses in CA and the act of running the credit inquiry of a customer is an act of trust from the customer. The abuse of this trust has cost me real financial damages and damages in stress.

6 6 Pursuant to Cal Bus. and Prof. code § 17202 I am asking for restitution for lost job income. The negative marks on my credit cost me a job, where I would have been earning over \$3,500 per month. I am asking for compensation for this income loss.

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CLAIMS**First Claim**

(Name the law or right violated: FCRA 15 U.S.C. §§ 1681-1681, CRA, CA CRA,)

(Name the defendants who violated it: BMW of Mountain View)

[Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer back to your statement of facts.]

7 Violation of FCRA 15 U.S.C. §§ 1681-1681 - including obtaining more hard credit pulls than is allowed by law.

FCRA Section 607 - lack of compliance with the reporting limits to hard copy pulls on consumer credit file.

8 FCRA Section 615 - violation of responsibilities to the consumer.

FCRA Section 623 - violation of responsibilities to the consumer.

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DEMAND FOR RELIEF

[State what you want the Court to do. Depending on your claims, you may ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount, or describe the different kinds of harm caused by the defendant.]

9 I am asking for the total for all penalties for multiple credit violations. I am also asking for compensation for the months that I have had to pay excess rent due to being turned down for a 2 Bdrm apt for \$1250. Due to the negative marks on my credit score I have had to pay for a 1 bedroom at the rate of \$1650. This is a difference of \$400 per month, since Jan. 2017. This has also cost me damages in stress and lack of space for my 7 year old son who would have had his own room.

I am asking for 2 months in lost income due to the lost job offer. I am also asking for punitive damages at the discretion of the court.

DEMAND FOR JURY TRIAL

[Check this box if you want your case to be decided by a jury, instead of a judge, if allowed.]

☒ Plaintiff demands a jury trial on all issues.

Respectfully submitted,

Date:

8/16/17

Sign Name:

A. Wright

Print Name:

Anne Wright